

**U.S. Department of Labor**  
**Employment and Training Administration**  
**Fact Sheet**

***If Imports from Canada or Mexico Cost You Your Job . . . Apply for  
NAFTA-Transitional Adjustment Assistance***

**NAFTA-TRANSITIONAL ADJUSTMENT ASSISTANCE PROGRAM**

The NAFTA-Transitional Adjustment Assistance (NAFTA-TAA) Program was established under the North American Free Trade Agreement Implementation Act of 1993. The NAFTA-TAA Program combines aspects of two laws that have been in effect for many years: Title I of the Workforce Investment Act (WIA) and the Trade Adjustment Assistance (TAA) Program, under the Trade Act of 1974.

The NAFTA-TAA Program assists workers who lose their jobs or whose hours of work and wages are reduced as a result of trade with Canada or Mexico. The NAFTA-TAA Program provides affected workers with both rapid and early response to the threat of unemployment and the opportunity to engage in long-term training while receiving income support.

The NAFTA-TAA Program offers help to workers whose companies have been *directly* or *indirectly* impacted as a result of trade with Canada or Mexico, known as *primary* and *secondary firms*, respectively. *Primary firms* are those which either import production from Canada or Mexico, shift production to Mexico and Canada or are adversely affected by trade with Canada or Mexico. *Secondary firms* are those which supply materials to primary firms and/or assemble or finish products of primary firm. Family farmers and farm workers that do not meet the group eligibility requirement are also considered under the procedures for *secondary firms*.

The NAFTA-TAA Program provides a comprehensive, timely array of retraining and reemployment services to all affected workers. The program extends rapid response and basic readjustment services to those who are eligible. Workers in *primary firms* receive these benefits under the NAFTA-TAA program, however, workers in *secondary firms* receive assistance under Title III of the Job Training Partnership Act.

**HOW TO APPLY**

A Petition for NAFTA-TAA may be filed by a group of three or more workers, their employer, union or community-based organization. Petition forms may be obtained from the local State Employment Security Agency or from any agency designated by the governor to provide reemployment services under the NAFTA-TAA program.

Petitioners should complete and sign the petition and send it to the address indicated on the back of the petition form. If a petition is filed by an employer, a union official, a community-based organization, a family farmer or a farm worker, only one petitioner signature is required. Otherwise, the petition must be signed by at least three workers.

## **ESTABLISHING ELIGIBILITY FOR NAFTA-TAA: A FEDERAL-STATE PARTNERSHIP**

Overall responsibility for investigating the worker group's eligibility is shared by the governor of the State where the workers' company is located and the U.S. Department of Labor, Division of Trade Adjustment Assistance. When the state receives a petition for assistance, the governor makes a preliminary finding as to whether the petition meets certain eligibility criteria. This finding must be issued within 10 days of receipt of the petition. The U.S. Department of Labor then makes a final determination of eligibility within 30 days of receipt of the preliminary finding.

In order for the U.S. Department of Labor to issue a Certification Regarding Eligibility, the following requirements must be met:

- (1) that workers have been totally or partially laid off, and
- (2) that sales or productions have declined, and
- (3)
  - (A) that increased imports from Canada or Mexico have contributed importantly to worker layoffs, or
  - (B) that there has been a shift in production to Canada or Mexico.

Once the U.S. Department of Labor issues a Certification Regarding Eligibility, trade affected workers may apply for benefits under the NAFTA-TAA Program.

When a determination by the U.S. Department of Labor states that petitioning workers do not meet the eligibility requirements under this program, the petition is immediately reviewed under the Trade Adjustment Assistance program to determine if coverage is available.

## **APPEAL RIGHTS**

Workers whose petitions for NAFTA-TAA are denied by the U.S. Department of may appeal the denial or request administrative reconsideration of the U.S. Department of Labor's finding within 30 days after publication of the final determination in the *Federal Register*.

The request for reconsideration must be in writing, including the name of the company, the NAFTA-TAA investigation number, and a description of the group of workers on whose behalf the petition was filed, and must cite specific reasons why the workers consider the decision to be in error, either according to the facts, the interpretation of the facts, or the law itself. Requests for reconsideration should be mailed to the U.S. Department of Labor, Division of Trade Adjustment Assistance, 200 Constitution Ave., N.W., Room C-5311, Washington, D.C. 20210, (202) 693-3555.

Workers may also file an appeal seeking judicial review of the U.S. Department of Labor's negative determination or redetermination within 60 days of publication of the denial in the *Federal Register*. Appeals for judicial review must be filed with the Office of the Clerk, U.S. Court of International Trade, One Federal Plaza, New York, New York 10007, (212) 264-7090.

## **PROGRAM BENEFITS**

The NAFTA-TAA program emphasizes a comprehensive, timely array of retraining and reemployment services tailored to meet the needs of the individual workers. Major activities and services include:

**Rapid Response Assistance and Basic Readjustment Services** When the Dislocated Worker Unit in a State is alerted to the possibility of a layoff or plant closing, it responds quickly with on-site services. These may include efforts to let workers know they are eligible to apply for the NAFTA-TAA program and to enroll them in it. Once in the program, workers receive an assessment of their individual skills and abilities as well as financial and personal counseling to prepare for job transition.

When the U.S. Department of Labor certifies eligibility, workers are provided a broad range of adjustment services, including:

**Reemployment Services** such as career counseling, job placement assistance services, supportive services, skill's assessment, job development and job search assistance and referrals.

**Training** for employment in another job or career. Workers may receive up to 104 weeks of approved training in occupational skills, basic or remedial education, or training in literacy or English as a second language.

**Income Support** known as trade readjustment allowances (TRA) are weekly cash payment available for 52 weeks after a worker's unemployment compensation (UC) benefit is exhausted and during the period in which a worker is participating in an approved full-time training program. Income Support is a combination of UC and TRA benefits for a maximum of 78 weeks (26 weeks for UC and 52 weeks for TRA).

**Job Search and Relocation Allowances** which provide reimbursement for approved expenses while job hunting and/or for relocating to a new job.

## **BENEFITS APPEAL RIGHTS**

Workers must meet individual eligibilities established under each benefit in order to receive such benefit. All benefits have different time constraints; therefore, workers must file application for such benefits on a timely basis. If, however, workers are not satisfied with the determination of their individual application, they have the same appeal rights as are provided under their State Unemployment Compensation Law. The determination notice which they receive after filing their application will explain their appeal rights and time limits for filing an appeal.

## **OTHER TRAINING OPPORTUNITIES AND REEMPLOYMENT SERVICES**

Workers who have lost their jobs or are informed that they will lose their jobs may be covered by several programs that target laid off workers. Workers are eligible for training, reemployment assistance and other services under Title I of the Workforce Investment Act, or other Federal job training program.

*This is one of a series of fact sheets highlighting U.S. Department of Labor programs. It is intended as a general description only and does not carry the force of legal opinion.*